



**ZONING ADMINISTRATOR PERMIT  
STAFF REPORT  
NOVEMBER 3, 2014**

**Project:** **BEEPI AUTO SALES - (PLN2015-00084)**

**Proposal:** To consider a Zoning Administrator Permit for an automotive warehouse used primarily to store vehicles associated with online automotive sales located at 44380 Old Warm Springs Boulevard in the South Fremont Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

**Recommendation:** Approve, based on findings and subject to conditions.

**Location:** 44380 Old Warm Springs Blvd. in the South Fremont Community Plan Area.  
APN 519-1352-053-00  
(See aerial photo next page)

**Area:** 43,200 square foot existing building on a 10.25-acre lot

**People:** Owen Sevir, Applicant  
Joseph M. Voet, Owner  
Spencer Shafsky, Staff Planner (510) 494-4452; [sshafsky@fremont.gov](mailto:sshafsky@fremont.gov)

**General Plan:** Innovation Center

**Zoning:** Warm Springs Innovation District (WSI-2)

**EXECUTIVE SUMMARY:**

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The applicant requests approval of a Zoning Administrator Permit to allow primarily storage of automotive vehicles in association with an online sales use within an existing 43,200 square foot warehouse located at 44380 Old Warm Springs Boulevard. The proposed tenant will be the only occupant of the warehouse, which is located on the rear of the property. The existing property contains a total of three buildings consisting of four large tenant spaces. The proposed use of the warehouse will be for the indoor storage of automobiles associated with an online auto sales business. The actual sales of the vehicles would take place at an existing office location elsewhere. The existing warehouse includes limited office space that would be used for paperwork/phone calls associated with the sale, storage and delivery of the vehicles. There are no proposed full-time employees for the site as employees for the online automobiles sales business will only visit the site during the loading and unloading of vehicles as required, which will generally occur between the hours of 7:00 a.m. to 7:00 p.m. seven days a week.

**Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.**



**SURROUNDING LAND USES:**

North:	Innovation Center
South:	Innovation Center
East:	Innovation Center
West:	Innovation Center

## **BACKGROUND AND PREVIOUS ACTIONS:**

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The subject site was developed in 1985 and contains three industrial buildings totaling 171,360 square feet containing a mix of uses including wholesale, manufacturing and warehousing. The proposed tenant would occupy one half of the rear building in an existing tenant space of 43,200 square feet. There is no history of previous planning entitlements for the unit.

## **PROJECT DESCRIPTION:**

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The applicant requests approval of a Zoning Administrator Permit to allow online retail sales of automobiles and warehousing of approximately up to 100 automotive vehicles for Beepi, an internet auto sales business. The existing 43,200 square foot warehouse has direct access off Old Warm Springs Boulevard and has existing loading docks off the main parking lot. Vehicles will be delivered and picked-up by Beepi's auto transport trucks during the proposed hours of operation, which will generally be 7:00 a.m. to 7:00 p.m. seven days per week as needed for vehicle transport. The cars would be stored entirely indoors. There are no proposed full-time employees for the site as Beepi employees will only visit the site for vehicle delivery or pick-up and minor office work as needed. On-line sales of the automobiles would be conducted elsewhere at an already established office location. The proposed use does not involve any auto detailing or automotive repair.

## **PROJECT ANALYSIS:**

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### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is the Warm Springs/South Fremont Innovation Center, a mixed-use designation that permits a range of uses, including industrial, research and development, office and convention, hotels, retail and entertainment, residential, and elementary school and public open space. The following General Plan Goals, Objectives and Policies support the proposed project:

### **Economic Development Goal 6-3: A Diverse Mix of Industrial and Technology Uses**

#### **Economic Development Implementation 6-3.1.B: Adequate Industrially-Zoned Land**

Ensure that adequate land is available within each of the industrial zoning districts to accommodate a wide range of industrial uses including those that require intensive operations, yard space, access to rail, and hazardous materials, as well as those requiring a campus-like environment. Use zoning to ensure that businesses with similar impacts can locate in areas where they can expand their operations without impacting non-industrial uses.

#### Analysis:

The proposed use will be located within an existing industrial business park and will not impede the future development of the South Fremont area. The makeup of tenants in the business park includes a wholesale equipment company, a pharmaceutical manufacturing company and an ice skating rink. The proposed use is compatible with those uses because it is a warehouse with similar impacts and operating characteristics to the other tenants.

### ***Zoning Regulations:***

As set forth in Section 18.49.040 of the Fremont Municipal Code (FMC), general warehousing is an allowed use in the existing WSI-2 zoning district and automotive leasing, rental and sales are allowed subject to a Zoning Administrator Permit.

**Parking:**

Chapter 18.183.050 of the Fremont Municipal Code requires 5 parking spaces per KSF of office area and similar activities and 1.25 parking spaces per KSF for other indoor areas for warehousing uses. Warehouses must provide a minimum of 1.6 spaces per thousand square feet overall. The proposed project would use the 43,200 square foot warehouse for storing up to 100 automobiles and 3,247 square feet would be used as office space. This would require a total of 69 parking spaces using the minimum average requirement. The following table shows that there would be sufficient parking to meet the parking code requirements for the proposed use:

<b>Address</b>	<b>Use</b>	<b>Square footage</b>	<b>Parking Required</b>
44358 Old Warm Springs	Electronic component manufacturing	28,800	95 spaces
44368 Old Warm Springs	Wholesale laboratory equipment	27,950 (3,070 office & 24,880 storage)	65 spaces
44370 Old Warm Springs	Pharmaceutical manufacturing	28,130	92 spaces
44380 Old Warm Springs (Project Site)	Warehousing	43,200	69 spaces
44388 Old Warm Springs	Ice Rink	17,000 (principal activity)	85 spaces
		Total parking required	406 spaces

The site provides 498 parking spaces and the existing and proposed uses require 406 parking spaces. The site provides 92 spaces in excess of the minimum required by FMC 18.49.040.

**Circulation:**

The proposed development is located on Old Warm Springs Boulevard, which is an arterial street with full street improvements along the project's frontage. The site was developed as a warehouse facility with several truck docks and sufficient room for large trucks and semi-trailers to maneuver through the parking lot without adversely affecting adjacent businesses.

**Environmental Review:**

This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

**FINDINGS FOR APPROVAL**

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In considering an application for a Zoning Administrator Permit, the Zoning Administrator shall consider the following:

- a. **The proposed use is consistent with the general plan and any applicable community or specific plan;**

*Analysis:* The existing General Plan land use designation for the project site is Innovation Center, which permits a variety of uses to provide the opportunity for inventive, flexible development for new and expanding businesses. Retail uses are limited and are intended to serve the Innovation Center. The proposed use is an innovative form of online automotive sales with no on-site sales and few on-site employees.

- b. **The site is physically suitable for the type, density, and intensity of the proposed use.**

*Analysis:* The project site has existing improvements to serve the proposed use and provides sufficient parking and truck loading and unloading access for existing and proposed

uses. The proposed project would be located entirely within the existing building and would not displace any other uses.

- c. **The design, location, size, and operating characteristics of the proposed use are compatible with development in the vicinity.**

*Analysis:* The proposed use would be operated entirely within the existing building and is located within an industrial business park with users of similar intensity.

- d. **The proposed use will not be detrimental to the public health, safety, or welfare of persons or property in the vicinity.**

*Analysis:* The proposed use would be located wholly within an existing building and would not negatively impact persons residing within the community.

#### **PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. A total of 102 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on October 21, 2014. A Public Hearing Notice was published by *The Argus* on October 23, 2014.

#### **ENCLOSURES:**

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**Exhibits:**

- Exhibit "A" [Site Plan, Floor Plan](#)  
Exhibit "B" [Findings and Conditions](#)

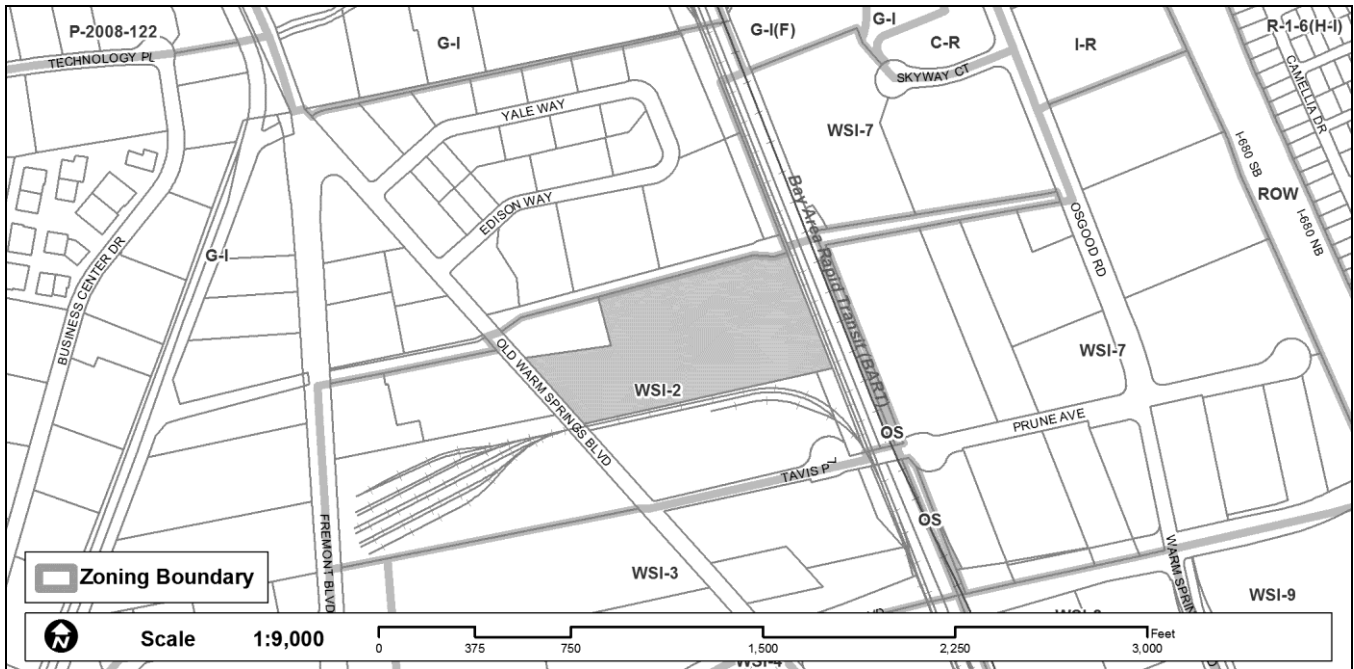
#### **RECOMMENDATION:**

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1. Hold public hearing.
2. Find that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.
3. Find that Zoning Administrator Permit PLN2015-00084 is in conformance with the relevant provisions contained in the City's existing General Plan, including the goals and policies set forth in the Community Plans Chapter.
4. Approve Zoning Administrator Permit PLN2015-00084, as shown on Exhibit "A," subject to findings and conditions in Exhibit "B."

## Existing Zoning

Shaded Area represents the Project Site



## Existing General Plan

